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Counsel for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DANNY EISENBERG,

Plaintiff,

vs.

J. PAUL WIESNER & ASSOCIATES,  
CHARTERED, a Nevada Professional  
Corporation, doing business as RADIOLOGY  
ASSOCIATES OF NEVADA; and PUEBLO  
MEDICAL IMAGING, LLC, a Nevada limited  
liability company,

Defendants.

CASE NO.: 2:19-cv-00439-JCM-DJA

**STIPULATION AND  
ORDER TO VACATE JUDGMENT AND  
ENTER DISMISSAL, WITH PREJUDICE**

The above-referenced parties, by and through their counsel of record hereby stipulate to the following:

1. On May 24, 2021, Defendants served an offer of judgment on Plaintiff, which included a condition that acceptance of the offer required a mutually agreeable settlement agreement and entry of dismissal of this case, with prejudice, rather than entry of judgment in the amount of the offer.

2. On June 8, 2021, Plaintiff served on Defendants a Notice of Acceptance of Offer

1 of Judgment.

2 3. The parties then entered into a settlement agreement on July 2, 2021.

3 4. Pursuant to that settlement agreement, the parties agreed that Plaintiff could file  
4 with the Court his Notice of Acceptance of Offer of Judgment to allow the same to be within the  
5 Court's public record, but the parties would also enter into a stipulation and order for dismissal of  
6 this action, with prejudice, to be consistent with the condition in the offer of judgment and the  
7 parties' settlement agreement that this case be dismissed, with prejudice.

8 5. On July 16, 2021, Plaintiff filed with the Court his Notice of Acceptance of Offer  
9 of Judgment (ECF #65).

10 6. Also on July 16, 2021, Defendants, with approval from Plaintiff, filed a Stipulation  
11 and Order for Dismissal, With Prejudice, which explained that the Notice of Acceptance of Offer  
12 of Judgment should not result as a judgment entered against Defendants but that the Stipulation  
13 should control and requested that the Court enter dismissal of the case, with prejudice. (ECF #66).

14 7. On July 19, 2021, the Court Clerk struck Plaintiff's Notice of Acceptance of Offer  
15 of Judgment as incorrectly filed and asked that Plaintiff refile the Notice under the proper category  
16 (ECF #67). The Clerk did not strike the Stipulation and Order for Dismissal with Prejudice.

17 8. On July 19, 2021, Plaintiff re-filed his Notice of Acceptance of Offer of Judgment  
18 (ECF #68). Because the Stipulation and Order for Dismissal had not been struck, the parties did  
19 not believe they needed to re-file that document.

20 9. On July 20, 2021, the Clerk entered judgment against Defendants based on the  
21 Notice of Acceptance of Offer of Judgment and contrary to the parties' Stipulation for Dismissal.

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10. To correct the mistake, likely caused by the way in which the parties went about the Notice of Acceptance of Offer of Judgment and the Stipulation for Dismissal, and to make this dismissal consistent with the agreement of the parties in their settlement agreement as to how the dismissal of this matter would be recorded in the Court record, the parties submit this Stipulation and Order to vacate the judgment and enter dismissal of the action, with prejudice, with all parties to bear their own attorney fees and costs.

Dated this 21<sup>st</sup> day of July, 2021.

Dated this 21<sup>st</sup> day of July, 2021.

GARG GOLDEN LAW FIRM

LAW OFFICES OF ROBERT P. SPRETNAK

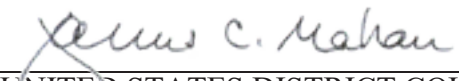
By /s/ Anthony B. Golden  
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**ORDER**

The Court has reviewed the parties' foregoing stipulation and the documents referenced therein. Good cause appearing, the judgment in this matter is vacated, and this matter is dismissed, with prejudice, with all parties to bear their own attorney fees and costs.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT COURT JUDGE

DATED: July 23, 2021